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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

DANIEL GONZALEZ, et al.,

Plaintiffs,

v.

DIAMOND RESORTS INTERNATIONAL MARKETING, INC., et al.,

Defendants.

Case No. 2:18-cv-00979-APG-NJK

Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement

[ECF No. 283]

The plaintiffs move for preliminary approval of their class action settlement under Federal Rule of Civil Procedure 23(e). The motion is unopposed, and I grant it.

## I THEREFORE ORDER as follows:

- 1. The plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement (ECF No. 283) is GRANTED.
- 2. The parties' Settlement Agreement and Release (ECF No. 283-1) is preliminarily approved as fair, reasonable, and adequate, subject to further consideration when the plaintiffs move for final approval after notice to the Hawaii Class and any objections are considered.
- 3. I approve the Notice (ECF No. 283-2) and the manner of distribution outlined in paragraphs 38 and 39 of the parties' Settlement Agreement and Release.
- 4. Hawaii Class Members may request exclusion from the settlement by complying with the procedures outlined paragraph 40 of the Settlement Agreement and Release, which includes mailing an Opt-Out Statement that must be postmarked no later than 45 calendar days after the Settlement Administrator mails the Notice.
- 5. Hawaii Class Members who do not request exclusion from the settlement by opting out in accordance with the Settlement Agreement and Release may object to the settlement by complying with the procedures outlined in paragraph 41 of the Settlement Agreement and Release no later than 45 calendar days after the Settlement Administrator mails the Notice.

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21 further consideration when the plaintiffs move for final approval. 13. A Final Fairness hearing is set on November 8, 2022 at 10:00 a.m. in Courtroom 23

Nevada 89101 to determine whether the settlement shall be finally approved.

- 6. KCC Class Action Services, LLC (KCC) is approved as the Settlement Administrator. Settlement administration costs will not exceed \$37,500.00 and will be paid out of the Gross Settlement Amount under paragraph 36 of the Settlement Agreement and Release.
- 7. The defendants will provide KCC a list, in electronic format, of the names, last known addresses, last known e-mail addresses, and Social Security numbers of all Hawaii Class Members within seven days of the entry of this Order, as required under paragraph 39 of the Settlement Agreement and Release.
- 8. KCC will mail the Notice to all Hawaii Class Members within 21 days of the entry of this Order, as required under paragraph 39 of the Settlement Agreement and Release.
- 9. The plaintiffs' request for attorney's fees not to exceed \$2,723,173.50 is preliminarily approved as fair and reasonable, subject to further consideration when the plaintiffs move for final approval.
- 10. The plaintiffs' request for costs not to exceed \$450,763.00 is preliminarily approved as fair and reasonable, subject to further consideration when the plaintiffs move for final approval.
- 11. The plaintiffs' request for Incentive Awards in the amount of \$20,000.00 each is preliminarily approved as fair and reasonable, subject to further consideration when the plaintiffs move for final approval.
- (ECF No. 283 at 8-10) is preliminarily approved as fair, reasonable, and adequate, subject to

6C in the United States District Court located at 333 Las Vegas Boulevard South, Las Vegas,

The proposed distribution of the net settlement amount as outlined in the motion

DATED this 17th day of August, 2022.

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE